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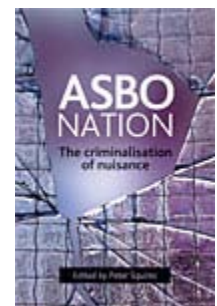
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Lost in Translation: Interpreting and Implementing Anti-Social Behaviour Policies

Roger Matthews and Daniel Briggs

Introduction

Tackling anti-social behaviour has over the last decade become a government priority. The establishment of the Anti-Social Behaviour Unit in the Home Office in 2003, and, more recently the formation of the Respect Task Force signals the strategic shift in official policy on law and order. As the officially recorded crime rate continues to drop there has been no let up in government pressure to maintain 'law and order' with the passing of a number of pieces of legislation designed to control the range of activities which have become identified as anti-social behaviour

In this process, there has been a shift in terminology and the meaning of key terms such as 'disorder', 'crime' and 'anti-social behaviour' with a blurring of the distinctions between them. These terms are increasingly coming to be used interchangeably while terms like 'disorder' which once referred mainly to physical disorder such as vandalism to the control of problem drinkers such as street drinkers, youths or vagrants and prostitutes. There is also a growing belief that these social forms of disorder should and can be controlled through law enforcement (Hope, 199X). The conceptual slippage involved in current debates about crime, disorder and anti-social behaviour does not, however, detract from the significance given to these various activities, but rather serves as a self-reinforcing discourse that increases their profile and allows inflated claims to be made about their cumulative impact.

There is, however, a discernable shift in emphasis which is taking place involving a decreased concentration on crimes as specific events to a focus on anti-social behaviour and disorder as low level continuous activities which extend beyond the established crime control framework and which require a form of control which moves conventional policing. It necessarily requires a series of agencies working in combination involving forms of regulation which goes beyond the established boundaries of criminal justice. James Q. Wilson and George Kelling (1983) have provided the most effective rationale for linking disorder and anti-social behaviour to crime in their influential and widely referenced 'Broken Windows' thesis, which posits an 'inextricable link' between disorder and crime (See Matthews and Pitts, 2001; Kelling, 2001). In official circles, this thesis has been used consistently to justify the need to 'get tough' on anti-social behaviour and to nip low-level incidents 'in the bud' before they become more serious.

The growing focus on anti-social behaviour by the government has not occurred without critical comment from academics and journalists. Leading academic commentators on these issues have seen the increased focus on anti-social behaviour as a shift in a more punitive direction. One of the main reasons given for the increased focus on anti-social behaviour has been the 'perceived inefficiency of the criminal justice system' (Burney, 2005). Similarly, Peter Squires and Dawn Stephen (2005) claim that the increased preoccupation with anti-social behaviour is a function of the perceived 'enforcement deficit':

"This 'enforcement deficit' concerns the fact that traditional criminal justice interventions tend to individualise their response around particular incidents and offenders and have no mechanism

for addressing the collective and accumulating impact of harm and distress across a community” (Squires and Stephen, 2005: 3)

Squires and Stephen argue that this new focus has involved a shift away from attempts to address the condition of the disadvantaged through welfare policies and strategies of social inclusion and replaced this with an over reliance on discipline, punishment and containment.

In this chapter, we seek to examine the ways in which those ostensibly punitive and disciplinary policies have been interpreted and implemented in the past few years in England and Wales. Drawing on the research conducted in three London boroughs in 2006, we aim to explore the gaps between the rhetoric and reality and between interventions and outcomes¹. In doing so, we aim to argue that there are substantial difficulties and inconsistencies in the implementation of anti-social behaviour strategies. Although this paper focuses on a relatively small number of boroughs which were seen to be ‘failing’, many of the issues discussed in this paper are relevant to many other boroughs in which we have recently visited.

The main problems arose in the process of translating government policy to local areas included:

- Variations in the use and reliability of data collected;
- Problems of definition and the overlaps of categories;
- Different perceptions of anti-social behaviour among different agencies;
- Problems of formulating a strategy of intervention;
- Limited use of anti-social behaviour sanctions;

- Lack of community involvement.

In a recent press release issued in January 2007, the Home Office claimed that: “One year on from the launch of the Government’s Respect Action Plan, major progress is being made in the drive to tackle anti-social behaviour and create a modern culture of respect.”² The press release points to the increased use of Acceptable Behaviour Contracts (ABCs), Anti-Social Behaviour Orders (ASBOs) and Parenting Orders. It also includes a quote from Tony Blair in which he claims that:

“We have seen real progress with communities across the country making full use of the powers we have put in place with councils, police, courts and local people working in partnership to make neighbourhoods safer and better places to live.”

While not denying that the millions of pounds, the substantial growth of anti-social behaviour personnel and the prioritisation of anti-social behaviour as an issue have all had some impact on anti-social behaviour. But we want to suggest that in a number of areas that the rate of progress is exaggerated and that the campaign against anti-social behaviour is being driven forward by a myopic and messianic vision which indicates little awareness of the real obstacles to the implementation of this programme.

Variations in the use and reliability of collected data

The starting point for understanding the nature, trends of anti-social behaviour issues in any borough is the gathering and collating of the appropriate data. In the three boroughs we examined, the quality of data

collected ranged from poor to very poor. Typically, different agencies operated with different databases which drew data from different sources, employed different categories and were mostly incomprehensible. One borough, for example, used a combination of FLARE, CADMiS, iQUANTA, and CRIS.³ Some data was collected by the police and some by the Housing Departments while other data were gleaned from calls received from members of the community.

The data received from members of the community was not sifted or 'cleaned' with the result that one incident might have involved ten or twenty calls by different residents. Despite the fact that there was often duplication of calls. It is also widely known that some groups of residents are more active and vocal than others. Anti-social behaviour Units, however tend to use calls rather than incidents as their point of reference in deciding on interventions and the formation of policy. Because calls rather than incidents were used it was very difficult to assess the clear up rate and effectiveness of different interventions. It is, however, almost certainly the case that 'hard-to-reach', marginalised and transient groups who are predictably those who are most likely to be victims of anti-social behaviour are those less likely to report incidents.

None of the anti-social behaviour officers in the three boroughs were very clear about the type of data they required to develop anything resembling a problem-solving or strategic approach to anti-social behaviour. Instead they relied uncritically on whatever datasets were available and drew on whatever forms of data on anti-social behaviour which was most readily available from the data analysts. The data analysts, for their part, tended to supply that data which was the easiest to access despite any limitations it might have. In one borough, responses to

anti-social behaviour were decided upon by anti-social behaviour officers walking around the borough and talking to local residents. While this indicated a commendable desire to keep in touch with the experiences of local residents it hardly provided the basis for developing a rational policy programme.

Since data was being collected on all three boroughs by different agencies using different data systems there was a high likelihood that many incidents were being double or treble counted. Although we did not trace through specific incidents in order to identify how they appeared on the different data systems there was a very high likelihood that those incidents, which cut across the crime, disorder and anti-social behaviour divide were recorded in different ways by different agencies using different data systems. If this process is particularly pronounced in certain boroughs it makes a virtual nonsense of the datasets produced by each borough for its audit.

The problems of definition and the overlapping of categories

Much has been written on the problem of definition in relation to anti-social behaviour. Commentators have repeatedly pointed to the vagueness of the wording of anti-social behaviour legislation and policy programmes and the overlap with the categories of crime and disorder (Burney 2005: Squires and Stephen 2005). The Home Office have made a feeble and unconvincing attempt to 'refine' the categories of anti-social behaviour reducing them from a ragbag of sixteen categories to a typology of four general categories: misuse of public space; disregard for community/personal well-being; acts directed at people; and environmental damage (Home Office, 2004). While this four-fold

typology serves to differentiate acts directed at people such as abuse, bullying intimidation, and the like, from environmental issues such as graffiti and litter, other offences such as 'harassment of neighbours' and inconvenient/illegal parking which are grouped under 'misuse of public space' could just as easily be grouped under other headings. Indeed the four-fold typology does not provide a level of consistency and clarity which makes better sense of the standard list of the sixteen offences. Where as the sixteen offences are too specific and inflexible, the four-fold typology is too general and imprecise for the formulation of data, undertaking analysis or developing interventionist strategies.

While it is the case that the vagueness of the standard definitions of anti-social behaviour makes it difficult to clearly delineate exactly what is mean by anti-social behaviour, the imprecise nature of the definition has the benefit that it can be widely interpreted and considerable discretion can be exercised by those agencies who are charged with addressing this issue.

We should note, however, that the problem of definition is not specific to anti-social behaviour. The categories of crime, for example, are no more or less robust than many of the anti-social behaviour categories. The term 'violence', for example, is extremely broad and subject to considerable degrees of interpretation. The same can be said of other categories such as robbery and theft (Matthews, 2001; Young 1988). It is just that we have become familiar with these crime categories and attribute them a sense of solidity and precision which in fact they do not have.

It could be argued that some of the anti-social behaviour categories are more reliable and easier to measure than certain categories of crime. The

number of youths ‘hanging around’, the number of cars abandoned and incidents of graffiti, as well as the number of beggars on the street, can be counted with relative ease. Despite this, even the Respect Task Force and those that carry out research on their behalf have shied away from measuring incidents of anti-social behaviour and claim that “the scale and impact of anti-social behaviour can only be measured by grouping the perceptions of those whose lives are affected by such behaviour” (Ipsos MORI, 2007). In presenting a review of trends in anti-social behaviour MORI engage in an interesting slippage between ‘perceptions’ and the ‘reality’ of anti-social behaviour. They state:

“Much is written about the Perception Gap in relation to crime; i.e. the perception of crime as measured by surveys is much greater than the reality (as measured by official police records). However, when it comes to many of the issues which make up anti-social behaviour, then in the absence of “official” records, perceptions are the only measure of reality. Indeed, by definition, this should be the case. If we are defining anti-social behaviour as “behaviour which causes or is likely to cause harassment, alarm or distress to one or more persons not in the same household, then the critical measure is that of the negative impact on others” (Ipsos MORI, 2007: 7)

This statement is an extraordinary, as it is disingenuous. There is no objective reality and the type of empirical surveys on anti-social behaviour (which MORI have themselves conducted) are apparently redundant. Although ‘anti-social behaviour’ like ‘crime’ is asocial construction it does not mean that it has not objectivity.

In our study, however, the main issue which arose in relation to the problem of definition was which agency was to take primary responsibility for addressing the issue. Who would take responsibility for deciding which measures were best suited for dealing with specific issues? Without clear lines of responsibility and accountability there is a real danger that the issue falls between a number of stools.

Different perceptions of anti-social behaviour among different agencies

The significance which different agencies attached to different forms of anti-social behaviour was found to vary considerably. There were two major divisions in the three boroughs reviewed. The first was between the Community Safety Teams and the Housing Department. The other was between what were identified as enforcement agencies on one hand and welfare or caring agencies on the other.

The division between Housing Departments and Community Safety Teams is a product of a historical shift from identifying anti-social behaviour as a form of activity located mainly in local authority housing estates involving noisy neighbours and the like to an increasing focus on the regulation of public space. Indeed, there is a deep division in some boroughs between the Housing Departments and Community Safety Teams in terms of areas of responsibility, management structures and the forms of anti-social behaviour which are prioritised. In one borough, which was visited the Housing Department and Community Safety Team shared little common ground, exchanged virtually no information, used different datasets and worked in completely different buildings.

The split between Housing Departments and Community Safety Teams is reflected in the schism which runs through many partnerships which divides anti-social behaviour between that which occurs in public spaces (streets, parks, etc.) and that which takes place in 'private' spaces such as housing estates.

There is also a pronounced difference in the attitudes towards anti-social behaviour amongst Youth services, Social Services, and Educational Departments on one side and the police on the other. In general, the former group argue for predominantly welfare responses to people in trouble and take objection to the 'criminalisation' of certain activities by the police. Although each borough formally signed up to a 'partnership approach' and inter-agency working, the partnerships tended to gravitate towards a 'stick and carrot' approach which neither satisfied the welfarists or the police. The police often expressed frustration at what they saw as 'soft' policies of the welfarists, while these groups complained of the 'heavy handed and insensitive' ways in which the police and Anti-Social Behaviour officers responded to what were seen as generally low-level incidents carried out by young, disadvantaged and marginalised groups (see Matthews et al. 2007).

Problems of formulating interventionist strategies

The lack of accurate and reliable data as well as the difficulties in partnership working created problems in developing effective interventionist policies. Consequently, many of the policies which were developed in the three boroughs were reactive. Alternatively, they were easily swayed by political imperatives and priorities. Because each borough lacked a robust and objective dataset that could form the basis of

rational policy programme, issues that were highlighted by the media, the Home Office or local politicians could all too easily change the direction of policy. Consequently, policy programmes were rarely sustained or consistent. Although routine procedures were established for dealing with things like litter, graffiti and abandoned cars policies on most other forms of anti-social behaviour varied immensely over time with issues that were priorities at one time moving down the agenda at other times, irrespective of the objective prevalence of the issue.

Responses in each of the boroughs were therefore inconsistent and patchy. For many issues, there was a lack of clear strategy or tactics, and instead policies were proposed because they fitted with the general council objectives and priorities or because they were seen to be politically correct. Thus, forms of anti-social behaviour which were known to have relatively low number of victims or offenders in the borough were given priority whether or not they reflected the real concerns of residents.

Because interventions were largely reactive, inconsistent, patchy and based on 'feel-good' factors, the impact was often short-term. There was little consideration of the causes of anti-social behaviour in each of the boroughs and the focus was mainly on achieving government targets or realising local government priorities. Potential central government funding was always a consideration and while there were some attempts to respond to local concerns, reference to actual or potential funding possibilities was a significant element in the discursive exchanges between practitioners.

Limited use of anti-social behaviour sanctions

Over the past few years, an impressive array of sanctions have been developed to deal with anti-social behaviour including Acceptable Behaviour Contracts, Anti-social Behaviour Orders, Parenting Orders, Housing injunctions, Fixed Penalty Notices, Penalty Notices for Disorder, Closure Orders (Crack houses), Dispersal Orders, Demoted Tenancies, Individual Support Orders, as well as the introduction of special powers for intimidating witness and drug-related civil orders to attach to ASBOs.

In the boroughs we examined, as well as offices we have visited in the course of our research, it was apparent that the development of the various sanctions available was uneven and very selective. As the recent report by the Youth Justice Board has indicated the use of sanctions tended to be more a function of the attitudes and preferences of the agencies involved rather than being tailored to the specific situation or context of the offenders involved (Solanki et al., 2006).

In the three boroughs, there were found to be considerable variation in the form of anti-social behaviour, which were targeted, and in the sanctions used. In one borough, sanctions were developed against street prostitutes while in other boroughs such sanctions were felt to be inappropriate for this group (see Sagar 2007). Aggressive and persistent beggars were found to be dealt with in conflicting ways in the three boroughs, with two boroughs using a combination of ASBOs and dispersal orders, while in another they were simply moved on by the police and neighbourhood wardens.

The available range of sanctions, however, were not fully deployed in the three boroughs. Although, ABCs and ASBOs were becoming more

widely used with two boroughs having issued seventeen and 20 ASBOs respectively, the third borough had only issued eight ASBOs. One borough had issued ten dispersal orders while the other two had issued none and one. Similarly, one borough had issued eight times as many Parenting Orders than the other two boroughs put together had issued over the previous twelve month period (see table 1)

Table 1 - Number of ASB sanctions used in each borough from March 31st 2005 to April 1st 2006

ASB sanctions	Borough 1	Borough 2	Borough 3
ASBOs	17	8	20
Crack house closures	6	18 ¹	4
Dispersal Orders	1	0	10
Evictions	5	0	6
Injunctions	10	3	3
Parenting Orders	40	3	2
Curfews	6	0	23
Supervision Orders	42	0	45
ABCs/ABAs	94	188	36
ISOs	2	Not available	0
YISP	40	200 ²	100 ³

¹ The term used in Borough 2 is 'drugs warrants' as opposed to crack house closures.

² The figure represents referrals from only seven wards funded for the YISP programme.

³ This figure includes those who have received an onset which is an assessment used for those not in criminal justice system (normally those 8-13 year olds).

ISSP	40	Not available	Not available
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It was also the case that there were considerable perceived variations in the level and types of anti-social behaviour in the different boroughs, however these incidents were recorded. Consequently, the type of sanctions that were used varied greatly and because different agencies often had a different view on the seriousness and impact on different forms of anti-social behaviour, different sanctions were often recommended.

The lack of clear strategy, together with staff turnover and long-term absences in one borough created problems of deploying and implementing sanctions. Certain agencies were criticised within the three boroughs for not 'signing up' to the partnership approach and did not regularly attend meetings or engage in the types of intervention that was recommended. Although continued reference was made to Section 17 of the Crime and Disorder Act 1998, key agencies were conspicuously absent from meetings concerned with addressing anti-social behaviour.

The major deficiency, however, was the very low level of monitoring and evaluation of anti-social behaviour sanctions. In one borough, there was virtually no evaluation of interventions and in the other two the level of monitoring and evaluation was poor. In many cases, interventions were deemed to have worked if the particular issue which they related to decreased, although in the majority of cases, the link was never examined. If, following the deployment of certain sanctions, such as ABCs or ASBOs the level of anti-social behaviour increased in the areas they were issued this was not as a sign of failure but often provided the

rationale for even greater or more extensive use of these measures. The combination of a lack of adequate data, the limitations of data analysis and the minimal level of monitoring and evaluation meant that it was almost impossible to identify ‘what worked’ let alone ‘why it worked’.

There were, no doubt, some interventions which had some impact. One borough had used dispersal orders to address anti-social behaviour around train stations which was generally considered to be successful. Another borough introduced an alcohol ban in the town centre which was enforced by the police with the support from pub landlords and off-licence managers which appeared to reduce the problems of street drinking in the area, particularly by under age youths, although there was no examination of displacement.

The lack of monitoring and evaluation, however, at the local level reflected the lack of monitoring and evaluation of anti-social measures by the Home Office. The Home Office does not focus on the extent to which different local areas are using different interventions with the exception of ASBOs and Dispersal Orders, although there is some evidence that local Crime and Disorder Reduction Partnerships (CDRPs) are making increased use of the orders available. The National Audit Office in its review of anti-social behaviour concluded that:

“The absence of formal evaluation by the Home Office and the impact of providing support services in conjunction with interventions prevents local areas targeting interventions in the most efficient way to achieve the best outcome for the least cost.”
(National Audit Office, 2006: 5)

Whether the responsibility for evaluating interventions designed to reduce anti-social behaviour is primarily the responsibility of the Home Office or local crime reduction partnerships is a moot point. What is clear, however, is that there is little clear idea of what works and more importantly why and how it works. The limited evaluation of different measures, however, becomes even more significant when we recognise measures to reduce anti-social behaviour are often used in combination, and, in some cases, overlap with criminal sanctions.

Lack of community involvement

The relationship between the CDRP and the local communities in the three boroughs examined was found to be at best patchy. Although reference was frequently made to 'community engagement' such engagement was often token and short-lived. One event which was organised in one borough, for example, at which members of the community were invited to participate in a discussion on crime and anti-social behaviour nobody turned up. This was mainly because the event was poorly organised and local residents were not properly informed. It may also be the case that members of the community are less concerned about anti-social behaviour than we are led to believe. In another borough, several anti-social behaviour community panels were organised in four different areas. In all, 20,000 leaflets and letters were sent out and advertisements were placed in the local press. An average of 25 people turned up to each event.

There was also evidence that anti-social behaviour co-ordinators were preoccupied with achieving set targets, organising presentations to the CDRP (designed to show how well they were doing) and writing strategy

documents (although they had very little understanding of ‘what worked’ on which to base such a strategy). There was also a sense in which the practitioners knew what the ‘real’ problems were and informally members of the partnerships expressed disparaging remarks about local ‘busy bodies’ and those members of the community who persistently complained about incidents which the practitioners felt were trivial.

At the same time, members of the community had high expectations of the local authorities in the three areas to combat anti-social behaviour and were very critical of what they saw as the limited effectiveness of different interventions. Local and national media campaigns had no doubt increased their expectations and they often expressed frustration at what they saw as the inability of the local authority to address these issues and improve their quality of life. Residents expected a response to anti-social behaviour which they frequently considered it to be too slow or misdirected. One typical quote from a resident from one of the boroughs claimed:

“We suffer in the long term. The council response is far too slow, inefficient and not direct enough. The residents are left in “limbo” and sometimes we feel we have to take the law into their own hands. The Council are supposed to be given all these new powers and that but they are scared of their own shadow. They won’t do anything. They keep sending letters saying “we’ll do this, we’ll do that” but they never act on it.”

Residents were critical of what they saw as uncoordinated, short-term interventions. Residents reported that they were ‘bored and tired’ or receiving strategy newsletters. There were complaints about the anti-

social behaviour ‘hotlines’ which simply recorded messages without necessarily triggering an intervention. Some residents described how they resorted to using the 999 emergency number in order to get a response to anti-social behaviour, and even when they reported long delays or limited police action. Another resident put it thus:

“We had a lot of hassle from people on the estate, vandalised our car, we called the police, and one time we called there were about 16 kids outside, and they didn’t come. These people were threatening my son and I called the police. They didn’t come. About an hour later, the police car drives into the car park, and leaves. They don’t come to my door and ask, “are you ok?” Nothing. I have got no confidence in the police.”

Conclusion

It is evident that when we ‘drill down’ into the workings of local partnerships that there is a considerable gap between the ‘rhetoric’ of government-led anti-social behaviour campaigns and their actual interpretation and implementation. The major problem with this campaign is the quality of the data on which campaigns are mobilised coupled with a lack of analysis and evaluation.

Policies do not generally reflect objective problems because it is far from clear exactly what the problem is, while there is little understanding of ‘what works’. There are also issues about the management and sharing of data which is available, with all its limitations. The introduction of new ‘hotlines’ and single non-emergency numbers will predictably compound rather than solve the problems of data gathering.

In place of a rigorous and detailed understanding of anti-social behaviour there is a great deal of creative accounting taking place with many of those involved making exaggerated and unfounded claims about 'success'. Where 'success' in whatever form can be reasonably claimed to have taken place, we do not know that whether it could have been better achieved in any other way and at lesser personal and economic cost. As the machinery of anti-social behaviour grows in scale it is becoming evident that this is not the smooth-running, efficient and effective machine that it is often presented as being.

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² See Home Office press website: <http://press.homeoffice.gov.uk/>

³ Call and Dispatch Management Information System (CADMIS): Crime Reporting Information System (CRIS). FLARE and iQuanta are not abbreviations.